

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Objection by Richard)	DOCKET NO. 910494-EU
Shortridge to transfer of electric)	ORDER NO. 24933
service from Gainesville Regional)	ISSUED: 8/19/91
Utilities to Clay Electric)	
Cooperative, Inc.)	
_____)	

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
 J. TERRY DEASON
 BETTY EASLEY
 MICHAEL McK. WILSON

NOTICE OF PROPOSED AGENCY ACTION
ORDER DENYING COMPLAINT

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are adversely affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

On June 30, 1986, in Docket No. 861025-EU, Clay Electric Cooperative, Inc. (Clay) and the city of Gainesville (GRU or city), filed a joint petition seeking the Commission's approval of their territorial agreement in Alachua County. The Commission approved the agreement in Order No. 16968. According to the petition, Gainesville agreed to certain territorial boundary lines and to exchange certain customers and related facilities. Clay agreed to transfer approximately 4,000 customers to GRU and GRU agreed to transfer approximately 200 customers to Clay.

The agreement includes certain guidelines on how and when the transfer of customers would occur. Article III of the agreement states:

when requested by city and within the time frame provided in Section 3.4 below, Clay shall transfer to city all customers now or hereafter served by it in the city territorial area. When requested by Clay, and within such time frame, city shall transfer to Clay all customers now or hereafter served by it in the cooperative territorial area.

The agreement states that all transfers shall be completed within nine (9) years of the Commission's approval. Transfers of the respective parties customers shall be made at a time to be

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determined by the utility in whose territory they are located.

On April 3, 1991, Mr. Richard Shortridge, a GRU customer in Clay's territorial area filed a complaint with this Commission objecting to the proposed transfer. Mr Shortridge's complaint is centered around a May 16, 1986 letter from the City of Gainesville advising him that he would be transferred to Clay "at some time in the future". The letter further states " Clay Electric Cooperative's intent is not to request the transfer of GRU customers until such time as the rates between the two utilities become closer i.e., currently GRU's rates are lower than Clay Cooperative's." A review of the comparative rates reveals that the rates are closer than in 1986, but Clay's are still higher than GRU's.


The Agreement did not mention rates or the relative difference in rates as being a factor in initiating the transfer of customers. Numerous transfers of customers have already occurred under the agreement. We find that the transfer is in the best interest of the general body of ratepayers and is in compliance with the agreement and the Commission's Order. Accordingly, the complaint of Richard Shortridge is DENIED.

Based on the foregoing it is

ORDERED by the Florida Public Service Commission that the complaint filed by Richard Shortridge regarding the transfer of electrical service from Gainesville Regional Utilities to Clay Electric Cooperative, Inc. is DENIED. It is further

ORDERED that this Order shall become final unless an appropriate petition for formal proceeding is received by the Division of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on the date indicated in the Notice of Further Proceedings or Judicial Review.

By ORDER of the Florida Public Service Commission, this 19th
 day of AUGUST, 1991.


 STEVE TRIBBLE, Director
 Division of Records and Reporting

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on
9/9/91.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on the date described above, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.